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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/578,174      | 05/24/2000  | Ravi V. Condamoor    | NH-2                | 5012             |

23933 7590 11/15/2002

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|          |
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| EXAMINER |
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BUI, THACH H

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3628     |              |

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |                         |   |   |
|--|-------------------------|---|---|
| <b>Office Action Summary</b>   | Application No.         | Applicant(s)  |   |
|  | 09/578,174              | CONDAMOOR ET AL.  |   |
|  | Examiner<br>Thach H Bui | Art Unit<br>3628  |  |
| <i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>   |                         |   |   |
| <b>Period for Reply</b>  |                         |   |   |
| <b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>   |                         |   |   |
| <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul> |                         |   |   |
| <b>Status</b>  |                         |   |   |
| 1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>27 September 2002</u> .  |                         |   |   |
| 2a) <input type="checkbox"/> This action is <b>FINAL</b> .                    2b) <input checked="" type="checkbox"/> This action is non-final.  |                         |   |   |
| 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  |                         |   |   |
| <b>Disposition of Claims</b>   |                         |   |   |
| 4) <input checked="" type="checkbox"/> Claim(s) <u>1-28</u> is/are pending in the application.   |                         |   |   |
| 4a) Of the above claim(s) _____ is/are withdrawn from consideration.   |                         |   |   |
| 5) <input checked="" type="checkbox"/> Claim(s) <u>1-11 and 25-28</u> is/are allowed.  |                         |   |   |
| 6) <input checked="" type="checkbox"/> Claim(s) <u>12-24</u> is/are rejected.  |                         |   |   |
| 7) <input type="checkbox"/> Claim(s) _____ is/are objected to.   |                         |   |   |
| 8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.   |                         |   |   |
| <b>Application Papers</b>  |                         |   |   |
| 9) <input type="checkbox"/> The specification is objected to by the Examiner.  |                         |   |   |
| 10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.  |                         |   |   |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  |                         |   |   |
| 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.  |                         |   |   |
| If approved, corrected drawings are required in reply to this Office action.   |                         |   |   |
| 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.   |                         |   |   |
| <b>Priority under 35 U.S.C. §§ 119 and 120</b>   |                         |   |   |
| 13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).   |                         |   |   |
| a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:  |                         |   |   |
| 1. <input type="checkbox"/> Certified copies of the priority documents have been received.   |                         |   |   |
| 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.  |                         |   |   |
| 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).   |                         |   |   |
| * See the attached detailed Office action for a list of the certified copies not received.   |                         |   |   |
| 14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  |                         |   |   |
| a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.   |                         |   |   |
| 15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  |                         |   |   |
| <b>Attachment(s)</b>   |                         |   |   |
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   |                         | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   |                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.  |                         | 6) <input type="checkbox"/> Other: _____.                                   |   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 12-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

The Examiner notes that the disclosed invention is within the technological arts. The claimed invention is also noted not to be a computer program, data structure, a natural phenomenon, and a non-descriptive material *per se*. The claimed invention does not include a series of steps to be performed by a computer. The claimed invention also is not a product for performing a process, nor is it a specific machine or manufacture. The claimed invention is not a specific tangible machine or process for facilitating a business transaction. Claims 12-24 do not appear to correspond to a specific machine or manufacture disclosed within the instant specification and thus encompasses any product of the class configured in any manner to perform the underlying process. The claimed invention of claims 12-24 also does not include a post-computer process activity or a pre-computer process activity. Thus, no physical transformation is performed, no practical application in the technological art is found. Consequently, claims 12-24 are analyzed based upon the underlying process, and are thus rejected as being directed to a non-statutory process.

***Allowable Subject Matter***

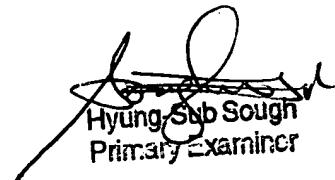
2. Claims 1-11, and 25-28 are allowed.
3. Claims 12-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Hyung S. Sough  
Primary Examiner

T.B.  
November 13, 2002